



PATENT
Customer No. 22,852
Attorney Docket No. 06502.0230-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Michael BOUCHER) Group Art Unit: 2122
)
Application No.: 09/628,694) Examiner: K. Gross
)
Filed: July 28, 2000) Confirmation No. 3427
)
For: METHODS AND APPARATUS)
FOR COMPILING COMPUTER)
PROGRAMS USING PARTIAL)
FUNCTION INLINING)

Mail Box Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NOTICE OF ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT

As required by 65 FED. REG. 56387 (September 18, 2000), Applicant notifies the Patent and Trademark Office (PTO) of an error in the patent term adjustment. Applicant confirms receipt of the Notice of Determination of Patent Term Adjustment dated November 19, 2004.

The Notice indicates that the PTO has determined that the patent term adjustment period for this application is 501 days. Applicant respectfully requests that the PTO identify how it arrived at this adjustment period. Based on Applicant's calculation, the correct patent term adjustment period is 563 days, provided that the patent issues in a timely manner without any delay on the part of the PTO.

According to the Patent Application Information Retrieval (PAIR) records for this application, the PTO subtracted 62 days from the patent term adjustment. The PAIR records indicate that an Amendment after Final Rejection was filed on February 10, 2004. This record is incorrect. Applicant actually filed an Amendment After Final on December 9, 2003 in response to the Final Office Action dated September 10, 2003. A copy of the stamped postcard for the Amendment After Final is attached showing the filing date of December 9, 2003.

On February 10, 2004, Applicant's representative contacted the Examiner to request the status on the December 9, 2003 response. In response to the Examiner's request, on February 10, 2004, Applicant's representative faxed a copy of the Amendment After Final originally filed on December 9, 2003 for consideration by the Examiner. A copy of the Reply facsimile transmission sheet received from the PTO is attached.

Accordingly, it appears the PTO inadvertently applied the date of the facsimile transmission to the Examiner (i.e., February 10, 2004) as the filing date of the Amendment After Final. As explained, this is incorrect, as Applicant filed that response on December 9, 2003, within three months of the Final Office Action dated September 10, 2003.

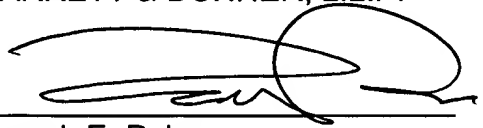
As such, Applicant requests the PTO to recalculate the patent term adjustment for this application and notify Applicant of the proper adjustment term.

Please charge any necessary fees required to enter this paper to our deposit
account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 8, 2004

By: 
Joseph E. Palys
Reg. No. 46,508



JAB-JEP

14

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: Michael BOUCHER

Serial No.: 09/628,694

Group Art Unit: 2122

Filed: July 28, 2000

Examiner: K. Gross

For: METHODS AND APPARATUS FOR COMPILING COMPUTER PROGRAMS USING
PARTIAL FUNCTION INLINING

-
1. Request for Withdrawal of Finality of Previous Office Action
and Amendment After Final (23 pgs.)

Dated: December 9, 2003

MAIL STOP AF

Due Date: December 10, 2003

Docket No.: 6502.0230-00

J. Palys/Judy Long - Mail Drop 862



OK
12-9-03
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Auto-Reply Facsimile Transmission



TO: Fax Sender at 202 408 4400

Fax Information
Date Received: 2/10/2004 2:50:16 PM [Eastern Standard Time]
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Received
Cover
Page

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FEB 10 2004 14:54 FR FINNEGAN HENDERSON 202 408 4400 TO 17038729306 P.01

LAW OFFICES
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.
1300 I Street, NW
Washington, DC 20005

Telephone: (202) 408-4900 Facsimile: (202) 408-4400

COURTESY COPY

FACSIMILE TRANSMITTAL

TO	FROM
Name: Examiner K. Gross	Name: J. Palys
Firm: USPTO Art Unit 2122	Phone No.: 202-408-4280
Fax No.: 703-872-9306	Fax # Verified by: J. Palys
Phone No.: 703-305-0542	# Pages (incl. this): 25
Date: February 10, 2004	Our File No.: 06502.0230
Subject: US Appn. No. 09/628,694	

Confirmation Copy to Follow: N

Message: Examiner Gross:

Further to our conversation today, we are providing copies of the Request for Withdrawal of Finality of Previous Office Action and Amendment After-Final that we filed on December 9, 2003. Also enclosed is a copy of the stamped postcard indicating receipt of these documents by the United States Patent & Trademark Office. Because the 6 month statutory deadline for this application is set to expire on March 10, 2004, we request that the attached documents be processed in a timely manner.

Thank you for your assistance in this matter. If you have any questions, please contact us at your convenience.

Regards,

Joseph Palys
Reg. No. 46,508

CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on February 10, 2004.

By:
Judy Long

If there is a problem with this transmission, notify fax room at (202) 408-4174 or the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

PAGE 1/19 * RCVD AT 2/10/2004 2:50:16 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-10 * DNS:8729306 * CSD:202 408 4400 * DURATION: (mm:ss):05:26